

Effective July 1, 2007 the statute indicated below will take effect in regards to the notarization of an individual by mark and notarization of an individual physically unable to sign or sign by mark. The statute has been modified to indicate what information goes in the blanks.

- 51-107. POWERS AND JURISDICTION. (1) Each notary public is empowered to:
- (a) Take acknowledgments;
 - (b) Administer oaths and affirmations;
 - (c) Certify that a copy of an original document is a true copy thereof, only if a certified copy of such original cannot be obtained from an official custodian of such document;
 - (d) Certify affidavits (to include verifications) or depositions of witnesses;
 - (e) **Certify the affixation of a signature by mark on an instrument presented for notarization if:**
 - (i) The signer is unable to handwrite the signer's name;
 - (ii) The mark is affixed in the presence of the notary in a manner which the notary can directly observe;
 - (iii) The notary writes below the mark the following: "Mark affixed by (printed name of signer by mark)."; and
 - (iv) The notary public notarizes the signature by mark through a certificate of acknowledgment or verification;
 - (f) A notary may sign the name of a person physically unable to sign or sign by mark on a document presented for notarization if:
 - (i) The person directs the notary to do so in the presence of a witness unaffected by the instrument;
 - (ii) The notary signs the person's name in the presence of the person and the witness;
 - (iii) The witness signs the instrument beside the signature;
 - (iv) The notary writes below the signature the following: "Signature affixed by notary in the presence of (name of person and witness)"; and
 - (v) The notary notarizes the signature through a certificate of acknowledgment or verification; and
 - (g) Perform such other acts as may be specifically permitted by law.

(2) The powers of a notary public commissioned pursuant to the provisions of this chapter may be exercised anywhere within the state of Idaho and may be exercised outside the state only in connection with a deed or other writing to be admitted to record in the state of Idaho.

SECTION 2. That Section 51-109, Idaho Code, be, and the same is hereby amended to read as follows:

51-109. FORMS FOR NOTARIAL ACTS. (1) Certificates of acknowledgment shall substantially conform to the forms set forth in sections 55-710 through 55-715, Idaho Code.

(2) An oath or affirmation, which is in writing, shall be signed by the person who takes it, and the notary public shall enter thereunder substantially the following:

"State of Idaho)
)ss.
 County of)
 Subscribed and sworn (or affirmed) before me this day of
,"(official signature and seal)"

(3) An oath or affirmation administered verbally by a notary public shall be in substantially the following form:

"You do solemnly swear (or affirm) that the testimony you shall give in the matter in issue shall be the truth, the whole truth, and nothing but the truth." The person who takes the oath or affirmation must respond affirmatively.

(4) A certificate of verification of an instrument shall follow the maker's signature and shall identify the notary public and certify that the maker personally appeared, was sworn, stated his authority for making the instrument, and averred the truth of the statements therein. For example, the verification of a corporate document by an officer of the corporation should be in substantially the following form:

"State of Idaho)
) ss.
County of)

I,, a notary public, do hereby certify that on this day of,, personally appeared before me, who, being by me first duly sworn, declared that he is the of, that he signed the foregoing document as of the corporation, and that the statements therein contained are true."#

.....(official signature
and seal)"

(5) The witnessing and certificate of verification for a signature by mark shall be substantially in the following form:

"Mark: ...**X**....

Mark affixed by (name of signer by mark) in the presence of
undersigned notary.....**Name of Notary Public**.....

State of Idaho)
) ss.

County of)
I, **Name of Notary Public**, a notary public, do hereby certify
that on this day of,, personally appeared before
me (**name and signer by mark**), who, being by me first duly
sworn, declared that he made his mark on the foregoing instrument, and that
the statements therein contained are true.

..... (official signature and seal)"

(6) The witnessing and certificate of verification for a signature by a person physically unable to sign or sign by mark on an instrument shall be substantially in the following form:

"Signature of person by notary: **Signature of individual signed by Notary Public**

Witness Signature: Witness (General)

Signature affixed by notary in the presence of:

State of Idaho)

State of Idaho)
) ss.
County of)

County of ,
I, Notary Public,

I, Notary Public's name, a notary public, do hereby certify that on this day of, ..., personally appeared before me (name of person unable to sign or sign by mark), who, being by me first duly sworn, declared that he signed the foregoing instrument by directing the undersigned notary to sign the instrument for him, and that the statements therein contained are true.

.....(official signature and seal)"

(7) If a certified copy of a document cannot be obtained from any recorder or custodian of public documents, and if certification of a copy of the document by a notary public is otherwise permissible, a notary public may certify a copy of the document in substantially the following form:

"State of Idaho)
)ss.
County of)

I, a notary public, do certify that on, I carefully compared the attached copy of (describe document) with the original. It is a complete and true copy of the original document."

.....(official signature and seal)

(8) On each notary certificate, the notary public shall immediately following his signature state the date of the expiration of his commission in substantially the following form:

"My commission expires on,"

SECTION 3. That Chapter 7, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 55-712A, Idaho Code, and to read as follows:

55-712A. FORM OF CERTIFICATE -- ACKNOWLEDGMENT BY PERSON SIGNING BY MARK.

The certificate of acknowledgment by a person signing by mark shall be substantially in the following form:

"Mark: ...**X**....

Mark affixed by (**printed or typewritten name of person signing by mark**) in the presence of undersigned notary.

State of Idaho)
)ss.

County of)

On this day of, in the year, before me **Notary Public's Name, a Notary Public**(here insert the name and quality of the officer), personally appeared **Signer's Name**, known or identified to me (or proved to me on the oath of **Credible Witness**) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same by affixing his mark thereto.

.....(official signature and seal)"

SECTION 4. That Chapter 7, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 55-712B, Idaho Code, and to read as follows:

55-712B. FORM OF CERTIFICATE -- ACKNOWLEDGMENT BY PERSON PHYSICALLY UNABLE TO SIGN OR SIGN BY MARK. The certificate of acknowledgment by a person physically unable to sign or sign by mark must be substantially in the following form:

"Signature of person by notary: **Signature of individual signed by Notary Public**

Witness Signature: **Witness (General)**

Signature affixed by notary in the presence of (**names of person and witness**).

State of Idaho)
)ss.

County of)

On this day of, in the year, before me **Notary Public's name, a Notary Public**(here insert the name and quality of the officer), personally appeared, known or identified to me (or proved to me on the oath of **Credible Witness**) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same directing the undersigned notary to affix his signature thereto.

.....(official signature and seal)"